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CHAPTER Env-Wq 2000 COASTAL PROGRAM GRANT RULES

REVISION NOTE:

Effective July 1, 2004, Chapter 257:20 of the Laws of 2004 transferred Pln 900 Coastal Program Grant Rules from the Office of Energy and Planning, formerly the Office of State Planning and Energy Programs, to the Department of Environmental Services (Department). The Department subsequently filed Env-Ws 2000 in Document #8411, effective 8-19-05 which made extensive changes to the numbering, wording, and format of Pln 900 and supersedes all prior filings for Pln 900. The prior filings affecting rules in Pln 900 include the following:

#4526, eff 11-3-88  
#5010, eff 11-27-90  
#5509, eff 11-25-92  
#6430, eff 1-18-97  
#6610, eff 10-22-97  
#7992, eff 12-1-03

This chapter was subsequently redesignated editorially as Env-Wq 2000 pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

PART Env-Wq 2001 PURPOSE AND APPLICABILITY

Env-Wq 2001.01 Purpose. The purpose of these rules is to establish the procedures for applying for coastal program grants and the criteria for evaluating the applications.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2001.02 Applicability. These rules shall apply to any applicant for funding under the coastal program.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

PART Env-Wq 2002 DEFINITIONS

Env-Wq 2002.01 “Coastal Non-point Pollution Control Program (CNPCP)” means the program approved by the National Oceanic Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) to enhance state and local efforts to manage land use activities that may contribute to pollution of the state’s coastal waters.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2002.02 “Coastal program” means New Hampshire’s coastal management program approved by NOAA under the federal Coastal Zone Management Act (CZMA), 16 U.S.C. §§1451-1465, to enhance overall coastal resource management. This term includes the CNPCP.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

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Env-Wq 2002.03 “Coastal zone” means the geographic boundary of the New Hampshire coastal program, which comprises the jurisdictional areas of the state’s 17 coastal municipalities and the state’s off-shore territorial waters.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2002.04 “Department” means the department of environmental services.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2002.05 “Grant cycle” means one round of applications for funding.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2002.06 “Office of Ocean and Coastal Resource Management (OCRM)” means the federal office within the NOAA National Ocean Service that interprets the CZMA.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2002.07 “Section 306A project checklist” means the document provided by the OCRM as part of its construction and acquisition requirements to be used in the coastal grant program.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

### PART Env-Wq 2003 LIMITATIONS ON GRANT DISTRIBUTION

Env-Wq 2003.01 Allocation to Coastal States. In accordance with the CZMA, funds are appropriated annually by Congress to OCRM to distribute to coastal states with approved management programs. This chapter shall apply only to that portion of the New Hampshire coastal grant which is passed through to applicants for project development and implementation.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2003.02 Funding Limits.

(a) There shall be a limit of \$50,000 financial assistance per applicant per grant cycle.

(b) There shall be a limit of one application per applicant per grant cycle.

(c) Applications submitted by departments or divisions within a larger governmental or educational entity shall be considered as separate applications. However, no single governmental or educational entity shall receive more than 50% of the total available grant funds per grant cycle.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2003.03 Matching Fund Requirements. Grantees shall provide a non-federal funding match which, at a minimum, equals the grant request, either with cash or in-kind services, unless the match is not needed for the federal funds.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2003.04 Eligible Applicants. Entities that are eligible to apply for a grant under this chapter shall be as follows:

- (a) Any municipality, school district, regional planning agency (RPA), or county government within or partially within the state's coastal zone;
- (b) For CNPCP grants, any municipality, school district, RPA, or county government within or partially within the state's coastal zone or coastal watershed;
- (c) Departments of academic institutions of higher education;
- (d) Any state agency; or
- (e) Tax exempt, non-profit organizations as certified by the United States Internal Revenue Service.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

#### PART Env-Wq 2004 GRANT APPLICATION PROCESS

Env-Wq 2004.01 Formal Procedure. Applicants shall apply for coastal program funds through a formal application procedure. Project applications shall contain the information required in either Env-Wq 2004.04 or Env-Wq 2004.06, as appropriate, in order to be considered for selection.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.02 Hearing Requirement for Municipalities. If required by RSA 31:95-b, a municipal applicant shall conduct a public hearing in accordance with that section. If a hearing is held, the municipality shall provide written minutes of the hearing or town meeting in the application materials.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.03 Planning/Management Grants.

(a) Eligible planning or management activities shall include the following:

- (1) Preliminary engineering reports and construction cost estimates;
- (2) Feasibility studies;
- (3) Ordinance development;
- (4) Hydrologic studies;
- (5) Resource planning and management studies;
- (6) Wetlands mapping;

- (7) Habitat restoration; and
- (8) Activities that implement the CNPCP.

(b) In order to be eligible for a planning/management grant, projects shall meet each of the following minimum requirements:

- (1) Projects that are not CNPCP implementation projects shall be located within the coastal zone, or outside the coastal zone when shown to directly affect the coastal zone;
- (2) CNPCP implementation projects shall be located within that portion of New Hampshire that drains into New Hampshire coastal waters, including the Piscataqua River watershed and the coastal drainage area that drains into the Atlantic Ocean; and
- (3) Projects shall not be dependent upon the need to complete other related work for which there is no certainty of completion.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.04 Planning/Management Grant Applications. The applicant for a planning/management grant shall provide the following:

- (a) A concise narrative statement which describes:
  - (1) The proposed activity;
  - (2) Whether it is a stand alone proposal or part of a larger proposal;
  - (3) Why the proposal is necessary;
  - (4) What the end result of the proposal will be; and
  - (5) How the proposal addresses coastal program policies;
- (b) A map indicating the project location;
- (c) A schedule which contains estimated dates for the completion of specific project tasks;
- (d) A budget which details all costs and sources of funding associated with proposed project activities and complies with the following:
  - (1) Not more than 35% of total project costs shall be allowed as overhead or indirect costs; and
  - (2) Budgeted amounts for volunteer services, if used as match, shall be detailed; and
- (e) A description of how the proposal addresses or does not address each of the selection criteria contained in Env-Wq 2006.02.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.05 Construction/Acquisition Grants.

- (a) Construction, acquisition, and other projects shall include the following:
  - (1) Land acquisition, or acquisition of easements or rights-of-way;

- (2) Construction projects;
- (3) Shoreline rehabilitation and modification to increase or improve public access;
- (4) Final engineering designs or specifications; and
- (5) Educational, interpretive, and management activities.

(b) In order to be eligible for construction/acquisition grants, projects shall meet each of the minimum requirements of planning/management applications contained in Env-Wq 2004.03(b), and each of the following applicable requirements:

- (1) Such projects shall be accessible for use by the general public, including persons with disabilities;
- (2) Construction projects shall be sited on public land, leased land, or land for which an easement has been obtained; and
- (3) An easement or lease shall be for the life of the constructed project.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.06 Construction/Acquisition Grant Applications. The application for a construction/acquisition grant shall contain all of the following information:

- (a) A concise narrative statement which describes:
  - (1) The proposed activity;
  - (2) Whether it is a stand alone proposal or it is part of a larger proposal;
  - (3) The location of the activity;
  - (4) Major materials to be used;
  - (5) Why the proposal is necessary;
  - (6) What the end result of the proposal will be; and
  - (7) How the proposal addresses coastal program policies;
- (b) A map indicating the exact site location and its relationship to other surrounding features;
- (c) A detailed site plan of the proposed project on the project site, showing the relationship of the project to other facilities and significant natural features which shall include, but are not limited to, slope, access points, wetlands, and dunes;
- (d) If the proposal is a public access project, signage to identify its availability to the public;
- (e) A schedule which contains estimated dates for the completion of specific project tasks;
- (f) A budget which:
  - (1) Details all costs and sources of funding associated with proposed project activities, as well as a description of source of funding for the matching share; and

(2) Complies with the following:

- a. Not more than 35% of total project costs shall be allowed as overhead or indirect costs; and
- b. Budgeted amounts for volunteer services, if used as match, shall be detailed;

(g) For projects where the architectural and engineering plans are final, a statement as to the source of funds for the subsequent construction project;

(h) A title opinion, certification, or affidavit, or title insurance showing public ownership or control of land for projects involving acquisition or construction, signed by a licensed attorney or authorized state or local government official;

(i) Depending upon the project scope, either a section 306A project checklist or an environmental assessment, to provide detailed information on potential environmental impacts;

(j) For construction projects, a letter from the state historic preservation officer clearing the project for historic preservation purposes;

(k) A list of all necessary local, state, and federal permits or a statement on the section 306A project checklist that no permits are needed for the proposed project; and

(l) A description of how the proposal addresses or does not address each of the selection criteria contained in Env-Wq 2006.02.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.07 Multi-Phase Projects. Multi-phase projects shall be eligible for funding under this program, provided they meet all other requirements of these rules. The award of a grant for one phase of a multi-phase project shall not guarantee that subsequent phases will be funded. Each phase of a project shall be completed within one grant cycle, and shall be able to stand alone as a project.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2004.08 Ineligible Activities. The following activities shall not be eligible for funding through the New Hampshire coastal program:

(a) Activities which do not fall within the coastal zone, except as provided for in Env-Wq 2004.03(b)(1);

(b) Activities which are planned for privately-owned land, except those which will be on privately-owned land with public control through easement, right-of-way, or long-term lease; and

(c) Otherwise ineligible activities under CZMA statutes and OCRM rules.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

PART Env-Wq 2005 PROCEDURES FOR ADMINISTRATION OF FUNDS BY GRANTEE

Env-Wq 2005.01 Documentation. Grantees shall document all project activity costs and associated costs. Documentation shall be available for review by the department or OCRM. Grantees shall retain documentation for a period of 3 years after project completion for audit purposes.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2005.02 Compliance By Grantee With Laws And Regulations. In performance of the project activities, the grantee shall comply, and require each contractor and sub-contractor to comply with:

- (a) All applicable laws;
- (b) All rules governing the administration of the coastal program;
- (c) All applicable requirements of any federal, state, county, or municipal authorities; and
- (d) Any directive of any public officer or officers, pursuant to law, which shall impose any duty or obligation upon the grantee with respect to the performance of project activities.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

PART Env-Wq 2006 CRITERIA AND PROCEDURES FOR EVALUATING & APPROVING APPLICATIONS

Env-Wq 2006.01 Phase 1: Evaluating Applications Before Selection Process Begins. The department shall review and evaluate all project applications. Projects shall meet the minimum requirements specified in Env-Wq 2004.03 or Env-Wq 2004.05. The department shall not score applications which fail to meet the requirements.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

Env-Wq 2006.02 Phase 2: Project Selection Process.

(a) All projects that meet the eligibility requirements shall be evaluated and scored based on the criteria contained in this section. Eligible activities under Env-Wq 2004.03 and Env-Wq 2004.05 shall be evaluated on the basis of the likely project impact of the proposed activity as if it had been implemented. A minimum score of 18 points shall be required for funding recommendation to OCRM for final approval.

(b) Each project shall be scored on the priority of the proposed activity in addressing one of the coastal program policies as follows:

- (1) A project that primarily addresses one of the highest priority coastal program policies, as specified below, shall receive 8 points:
  - a. Coastal resource protection;
  - b. Water quality; and
  - c. Fish and wildlife management;
- (2) A project that primarily addresses one of the moderately high priority coastal program policies, as specified below, shall receive 6 points:



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- a. Research and education;
- b. Rural quality of Great Bay; and
- c. Unique natural areas;

(3) A project that primarily addresses one of the moderate priority coastal program policies, as specified below, shall receive 4 points:

- a. Recreation facilities;
- b. Rare and endangered species;
- c. Dredging and dredge spoil disposal; and
- d. Oil spill prevention and clean-up;

(4) A project that primarily addresses one of the moderately low priority coastal program policies, as specified below, shall receive 2 points:

- a. Air quality protection;
- b. Coastal dependent uses; and
- c. Floodplain protection; and

(5) A project that primarily addresses one of the lowest priority coastal program policies, as specified below, shall receive one point:

- a. Historic preservation;
- b. Energy facilities siting; and
- c. Offshore/onshore sand and gravel removal.

(c) Each project shall be scored on its consistency with the needs identified in federal, state, regional, or local plans or studies as follows:

- (1) A project need that is specifically identified by one or more federal, state, regional, or local plans or studies shall receive 4 points;
- (2) A project need that is supported in concept by 2 or more federal, state, regional, or local plans or studies shall receive 2 points;
- (3) A project need that is supported in concept by one federal, state, regional, or local plan or study shall receive one point; and
- (4) A project that has no documented need shall receive no points.

(d) Each project shall be scored on its inclusion of volunteer involvement as follows:

- (1) A project in which volunteers will contribute more than 50 percent of the time and effort for the project shall receive 2 points;
- (2) A project in which volunteers will contribute some but less than 50 percent of the time and effort for the project shall receive one point; and

- (3) A project in which there is no volunteer involvement shall receive no points.
- (e) Each project shall be scored on the timeliness of the project as follows:
  - (1) A project that can only be undertaken at this time shall receive 3 points;
  - (2) A project that may be undertaken at some future time, but project benefits will be maximized if its completion can capitalize on current circumstances shall receive one point; and
  - (3) A project that may be undertaken at a future time with no significant ill effects accruing to the project benefits shall receive no points.
- (f) Each project shall be scored on how the project will promote general public awareness and understanding of coastal issues which leads to a sense of stewardship toward the coast as follows:
  - (1) A project that will directly promote a general public awareness and understanding of coastal issues shall receive 3 points;
  - (2) A project that may indirectly promote a general public awareness and understanding of coastal issues shall receive one point; and
  - (3) A project that does not promote a general public awareness and understanding of coastal issues shall receive no points.
- (g) Each project shall be scored on whether the project provides new or innovative resource planning and management techniques as follows:
  - (1) A project that has methodologies and/or management techniques which are either new or innovative shall receive 2 points; and
  - (2) A project that has methodologies and/or management techniques which are neither new nor innovative shall receive 0 points.
- (h) Each project shall be scored on whether the project will improve opportunities for multiple-entity cooperation on coastal resource planning and management efforts as follows:
  - (1) A project that involves cooperation between at least 2 or more coastal municipalities shall receive 3 points;
  - (2) A project that involves cooperation between at least 2 or more coastal stakeholders shall receive 2 points; and
  - (3) A project that does not involve multi-entity cooperation shall receive no points.
- (i) Each project shall be scored on whether the applicant is a new applicant to the coastal program as follows:
  - (1) A project that is proposed by an applicant that has never received funding from the coastal program shall receive 3 points;
  - (2) A project that is proposed by an applicant that has not received coastal program grant funding in the 3 years prior to the current application shall receive one point; and
  - (3) A project that is proposed by an applicant that has received coastal program grant funding in the 3 years prior to the current application shall receive no points.

(j) For projects proposed by applicants who have had a coastal program grant in the 3 years prior to the current application, the project shall be scored on the previous performance of the applicant as follows:

(1) A project shall receive 3 points if all the following apply:

- a. Interim reports were submitted on time;
- b. Interim reports were clear and descriptive; and
- c. Invoices were submitted on time and were error-free;

(2) A project shall receive 2 points if one of the following circumstances occurred:

- a. Interim reports were submitted late;
- b. Interim reports were not clear and descriptive; or
- c. Invoices were submitted late or contained multiple errors;

(3) A project shall receive one point if 2 of the following circumstances occurred:

- a. Interim reports were submitted late;
- b. Interim reports were not clear and descriptive; or
- c. Invoices were submitted late or contained multiple errors; and

(4) A project shall receive no points if all of the following circumstances occurred:

- a. Interim reports were submitted late;
- b. Interim reports were not clear and descriptive; and
- c. Invoices were submitted late or contained multiple errors.

(k) Each project shall be scored on the quality of the proposal as follows:

(1) A project that is presented clearly and precisely with goals and objectives well understood and work tasks, project schedule, and budget realistically presented shall receive 2 points;

(2) A project that is presented clearly and precisely, with goals and objectives well understood but with work tasks, project schedule, and budget not realistically presented shall receive one point; and

(3) A project that is presented poorly with goals and objectives not well understood and work tasks, project schedule and budget not realistically presented shall receive no points.

(l) Each project shall be scored on the content of the proposal as follows:

(1) A proposal that contains all required information shall receive 2 points;

(2) A proposal that is lacking information from no more than one section of the application shall receive one point; and

(3) A proposal that is lacking information from more than one section of the application shall receive no points.

(m) Each project shall be scored on whether it has documented support as follows:

- (1) To receive 3 points, a proposal shall be supported by 3 affected communities, groups or organizations submitting a letter:
    - a. Specifically identifying the proposed project; and
    - b. Dated within one year prior to the grant application;
  - (2) To receive 2 points, a proposal shall be supported by 2 affected communities, groups or organizations submitting a letter:
    - a. Specifically identifying the proposed project; and
    - b. Dated within one year prior to the grant application;
  - (3) To receive one point, a proposal shall be supported by one affected community, group or organization submitting a letter:
    - a. Specifically identifying the proposed project; and
    - b. Dated within one year prior to the grant application; and
  - (4) A proposal which has no documented support shall receive no points.
- (n) Each project shall be scored on its inclusion of excess matching funds or in-kind services as follows:
- (1) A project that contains \$50,000 or more in excess non-federal matching funds shall receive 6 points;
  - (2) A project that contains at least \$40,000 but less than \$50,000 in excess non-federal matching funds shall receive 5 points;
  - (3) A project that contains at least \$30,000 but less than \$40,000 in excess non-federal matching funds shall receive 4 points;
  - (4) A project that contains at least \$20,000, but less than \$30,000 in excess non-federal matching funds shall receive 3 points;
  - (5) A project that contains at least \$10,000, but less than \$20,000 in excess non-federal matching funds shall receive 2 points;
  - (6) A project that contains at least \$5,000 but less than \$10,000 in excess non-federal matching funds shall receive one point; and
  - (7) A project that contains less than \$5,000 in excess non-federal matching funds shall receive no points.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

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Env-Wq 2006.03 Phase 3: Recommendation to OCRM. After all eligible projects have been scored, those projects which best meet the selection criteria shall be recommended by the department to OCRM for funding. In accordance with grant conditions of NOAA, OCRM shall have final approval authority for all projects.

Source. (See Revision Note at chapter heading for Env-Wq 2000) #8411, eff 8-19-05

### APPENDIX

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Statute(s)/Regulation(s) Implemented</b>
Env-Wq 2001	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2002	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2003	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2004 (see also specific section below)	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2004.02	RSA 31:95-b	
Env-Wq 2005	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2006	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24